

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRAVIS COX,

Plaintiff,

8:23CV287

vs.

MEMORANDUM AND ORDER

LANCASTER COUNTY, all sued in individual as well as official capacity; LANCASTER COUNTY DRUG COURT, TOUCHSTONE TREATMENT FACILITY, ANDREA MCCLATCHY, ALYSSA MAXWELL, and PAUL COONEY, Drug Court Attorney;

Defendants.

This matter is before the Court on Plaintiff's "Motion for Continuance" filed on September 20, 2023, seeking additional time to pay the initial partial filing fee due to "allocation of funding" and his "change of address." [Filing No. 11](#). Plaintiff's initial partial filing fee of \$45.39 was due August 17, 2023, as set forth in this Court's July 18, 2023 order, [Filing No. 8](#), granting Plaintiff's motion to proceed in forma pauperis, [Filing No. 2](#). Although Plaintiff has not paid the initial partial filing fee, since entry of the July 18 Order, Plaintiff has filed two notices of change of address with this Court, indicating he has been moved from the Douglas County Department of Corrections facility in Omaha to the Lincoln Correctional Center (the "LCC"). [Filing No. 9](#); [Filing No. 10](#).

Due to the nature of Plaintiff's request, the Court construes the Motion for Continuance as a request for additional time to pay the initial filing fee. “[T]he Court routinely allows plaintiffs additional time to pay an initial filing fee.” *Taylor v. Neb.*, No. 8:22CV349, [2022 WL 17404922](#), at *1 (D. Neb. Dec. 2, 2022) (citing *Castonguay v. Douglas Cnty. Correction Ctr.*, No. 8:09CV225, 2009 WL 2840533, at *2 (D. Neb. Sept. 2, 2009) (extending time to pay initial filing fee due to lack of funds); *Alowonle v. Dep't of Corr. - MCF/WRML*, No. CIV. 09-1898 ADM/AJB, [2010 WL 428556](#), at *1 (D. Minn. Feb. 2, 2010) (discussing prior approval of initial filing fee extension in 1983 action)).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Extend time to pay his initial filing fee, [Filing No. 11](#), is **GRANTED**. Plaintiff has through and until **October 30, 2023**, to pay the initial partial filing fee of \$45.39 unless the Court extends the time to pay in response to a written motion.
2. After payment of the initial partial filing fee, Plaintiff's institution must collect the additional monthly payments in the manner set forth in [28 U.S.C. § 1915\(b\)\(2\)](#) and forward those payments to the Court.
3. The Clerk's office is directed to send a copy of this order and the Court's July 18, 2023, order, [Filing No. 8](#), to the appropriate official at Plaintiff's current institution.
4. The Clerk of Court is directed to set a pro se case management deadline using the following text: **October 30, 2023**: initial partial filing fee due.
5. Plaintiff is advised that, following payment of the initial partial filing fee, the next step in Plaintiff's case will be for the Court to conduct an initial review of Plaintiff's claims set forth in his Complaint to determine whether summary dismissal is appropriate

under 28 U.S.C. § 1915(e)(2), which shall be conducted in the normal course of business following receipt of the initial partial filing fee.

Dated this 28th day of September, 2023.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Court